

**TOWN OF NEEDHAM  
CONSERVATION COMMISSION  
MEETING MINUTES  
Thursday, July 9, 2015**

LOCATION: Public Services Administration Building (PSAB), Charles River Room

ATTENDING: Janet Carter Bernardo, Stephen Farr, Peter Oehlkers, Cory Rhoades, Matthew Varrell (Director of Conservation), Debbie Anderson (Conservation Specialist)

GUESTS: Karon Skinner Catrone, Anna Connelly, Kevin Doherty, Alison Richardson, David Tocci, Gene Voloshin

J. Carter Bernardo opened the public meeting at 7:30 pm.

**MISCELLANEOUS BUSINESS**

**MINUTES**

*Motion to approve the minutes of June 11, 2015, as amended by S. Farr, seconded by C. Rhoades, approved 3-0-1 (P. Oehlkers abstained)*

**ENFORCEMENT & VIOLATION UPDATES**

**1357 GREAT PLAIN AVENUE**

D. Anderson noted that at the previous Meeting, the Commission had determined that an after-the-fact Permit would not be necessary but asked the owner to submit a letter with a sketch showing the square footage that was reduced due to a portion of the driveway being replaced by pavers. D. Anderson stated that they had not received the letter at this point but she spoke to the contractor who stated he would submit it next week.

**280 NEHOIDEN STREET**

At the previous Meeting, M. Varrell suggested that the Commission could send a letter to the owner stating this is still an issue and if the fence is not removed and the fine paid within the next 30 days, they will record the Enforcement Order against the Deed at the Registry. M. Varrell stated that he would draft a letter to send to the owner. M. Varrell drafted a letter for the Commissions review. The Commission requested that M. Varrell have Town Counsel review the letter prior to sending it via Certified Mail to the owner.

*Motion to record the Enforcement Order against the Deed to the property if the work is not completed by August 7, 2015 by S. Farr, seconded by C. Rhoades, approved 4-0-0*

**HEARINGS**

**257 COUNTRY WAY – REQUEST FOR DETERMINATION OF APPLICABILITY**

Applicant: Gene Voloshin

Project: Proposed landscaping work, construction access over the existing driveway and subsequent re-construction of the driveway, portions of which are located within the 100-foot Buffer Zone to Bordering

Vegetated Wetlands. The proposed work is related to the razing and re-construction of a single-family house located outside the Buffer Zone.

Present for the Applicant: Gene Voloshin

Supporting Documents include:

- ❑ Request for Determination of Applicability filing submitted June 25, 2015
- ❑ “Plan showing work proposed within the 100-foot buffer at 257 Country Way, Needham, MA”, prepared by Julie Lucier, RLA, dated August 20, 2015
- ❑ Memorandum titled “Work proposed within 100 ft. buffer at 257 Country Way, Needham, MA.”, prepared by Julie Lucier, Landscape Architect, dated August 20, 2015

J. Carter Bernardo opened the public meeting at 7:45 p.m.

The builder, Gene Voloshin, presented the proposed project. He submitted a revised plan based on feedback from D. Anderson. A scale was added and an incorrect street name was revised. The proposed project involves razing the existing house and keeping the existing pool. The proposed house will be constructed in almost the same footprint as the existing house which is located outside the 100-foot Buffer Zone. G. Voloshin explained that the front of the property along the street contains a lot of ledge with many trees throughout. The Commission encouraged G. Voloshin to retain as many trees as possible within the 100-foot Buffer Zone. G. Voloshin stated the driveway will remain. He would like to blast some of the ledge. The wetland is located across the street. G. Voloshin stated that twelve (12) trees fall within the 100-foot Buffer Zone. He is proposing to remove the Eastern White Pine trees in that area, and then re-evaluate the situation, and potentially remove three or four more to bring in more sunlight. The Commission asked that he revise the plan to show exactly which trees he wants to remove. M. Varrell asked him to keep in mind that if he is proposing to blast in the vicinity of the remaining trees, they may not survive. D. Anderson reminded G. Voloshin of the “*Tree Replacement Policy*”.

M. Varrell suggested G. Voloshin work with a Landscape Architect to come up with alternative natural plantings, such as ferns, for the area that may be very attractive and not require the removal of so many trees for lawn. G. Voloshin agreed that would be preferable and stated that he would like to fill the channel that exists between the ledge in some areas with soil to flatten it out. M. Varrell stated he should keep in mind that any fill brought in cannot cover the tree roots.

Once G. Voloshin submits a revised plan, the Commission can determine if he will need to file a Notice of Intent for the project. He can proceed with the house demolition and other work outside the 100-foot Buffer Zone but he is required to install erosion/sediment controls. The Commission does not allow haybales for erosion controls and would prefer silt socks, mulch tubes or similar. If G. Voloshin prefers to propose planting of shrubs and groundcover to replace trees removed, he will have to prove the value will be equal.

***Motion to continue the public hearing for 257 COUNTRY WAY to August 13, 2015 at 7:45 pm by S. Farr, seconded by C. Rhoades, approved 4-0-0.***

### **36 ROBINWOOD AVENUE – NOTICE OF INTENT (DEP FILE #234-738)**

Applicant: David Tocci, Tocci Management

Owner: Anna Connelly

Project: Demolition of an existing single-family house and associated site features and the construction of a new single-family house with a porch, patio, sunroom, and associated site features including a paved driveway, utilities, fencing, infiltration facilities and associated grading, lawn and landscaping, a portion

of which occurs in the 100-foot Buffer Zone to Bordering Vegetated Wetlands and Bank of an intermittent stream.

Present for the Applicant: David Tocci and Karon Skinner Catrone, Wetlands Consultant, Anna Connelly, owner

Supporting Documents include:

- ☐ WPA Form 3 – Notice of Intent and supporting documents received June 25, 2015
- ☐ Needham Wetlands Protection Bylaw Application for Permit received June 25, 2015
- ☐ Plan entitled: “Wetlands Filing Plan Site Plan of Land for New Construction at 36 Robinwood Avenue Needham, Mass.”, prepared by Site Design Consultants, stamped and signed by George N. Giunta, P.L.S. No. 27011, dated 6/22/15 (revised 7/8/15).

J. Carter Bernardo opened the public meeting at 8:06 p.m. M. Varrell stated DEP had not yet issued a file number.

K. Skinner Catrone represented the Applicant and presented the proposed project. The proposed project includes the razing of the existing house and replacement with a new house. K. Skinner Catrone explained that there had previously been a wetland violation on the property due to filling resulting in an Enforcement Order being issued. As part of the Enforcement, the owner was required to add pipes and a ditch to the rear yard to convey water. She believes the piping is working as intended and keeping the wetland healthy. M. Varrell agrees with the wetland boundary as depicted on the revised plans. A waiver request had been submitted to temporarily disturb a 118 s.f. portion of the area within the 25-foot Buffer Zone.

They plan to remove five (5) trees. The ditch is currently planted with variegated Dogwood and they plan to install ten (10) White Pine trees and fifty-five (55) other plantings. M. Varrell had requested that the limit of proposed lawn line be shown on the plan. A diverse palette of plantings is proposed as it is uncertain what will grow in the area once the construction is complete. The Commission requested a revised plan showing the 25-foot Buffer Zone line and the proposed limit of lawn. D. Tocci noted that they are proposing drywell infiltration. The hearing will need to be continued for a DEP file number and revised plans. The existing lawn located within the 25-foot Buffer Zone will be allowed to be maintained. A crane will be used to remove the trees and will remain outside of the wetland.

***Motion to continue the public hearing for 36 ROBINWOOD AVENUE (DEP File #234-7XX) to July 23, 2015 at 8:00 pm by S. Farr, seconded by C. Rhoades, approved 4-0-0.***

## **1 ELIZABETH CIRCLE – *continued* NOTICE OF INTENT (DEP FILE #234-7XX)**

Applicant: Jeff Birnbaum

Project: An after-the-fact application for disturbance of Riverfront Area. The Applicant previously removed nine (9) trees and graded the lot, stockpiling all topsoil. Proposed work includes re-landscaping of the lot, including planting of new trees and shrubs, sodding of the lawn, and installation of a patio and fire pit, which is partially within Riverfront Area. An existing fence is proposed to be replaced. The Applicant is proposing to remove an additional five (5) trees within Riverfront Area.

Present for the Applicant: Jeff Birnbaum

Supporting Documents include:

- ☐ WPA Form 3 – Notice of Intent and supporting documents received May 21, 2015
- ☐ Needham Wetlands Protection Bylaw Application for Permit received May 21, 2015

- ☐ Plan entitled: “Site Plan of Land in Needham, MA 1 Elizabeth Circle”, prepared by Everett M. Brooks Co., signed and stamped by Michael S. Kosmo, P.E. #31480 and Bruce Bradford, P.L.S. #38376, dated 11/4/14 (revised 5/18/15).
- ☐ Plan entitled: “Landscape Plan Birnbaum Residence Elizabeth Circle, Needham, MA”, prepared by Belmont Landscape & Tree, dated 4/15/15.
- ☐ Document entitled “Alternative Analysis for 1 Elizabeth Circle”, received at the 6/25/15 Conservation Commission hearing.

J. Carter Bernardo opened the public meeting at 8:30 p.m. M. Varrell stated DEP had not yet issued a File number and he had not received any new information from the Applicant.

The meeting had been continued for the submittal of a revised alternatives analysis, submittal of a species list of proposed trees for removal, photos of the lot prior to the unauthorized work, as well as, the issuance of a DEP File number.

***Motion to continue the public hearing (for submittal of additional information and the issuance of a DEP File number) for 1 ELIZABETH CIRCLE (DEP File #234-7XX) to July 23, 2015 at 8:00 p.m. by S. Farr, seconded by C. Rhoades, approved 4-0-0.***

### **86 PILGRIM ROAD – continued NOTICE OF INTENT (DEP FILE #234-734)**

Applicant: Joel Kent

Project: The proposed project consists of the construction of a 1,200 square foot addition and 112 square foot deck to an existing single-family residence within the 100-foot Buffer Zone to Bordering Vegetated Wetlands and Inland Bank. Portions of the proposed project are located in the 25-foot Buffer Zone. Installation of mitigation plantings is proposed.

Present for the Applicant: Kevin Doherty, Representative

Supporting Documents include:

- ☐ WPA Form 3 – Notice of Intent and supporting documents received March 20, 2015
- ☐ Needham Wetlands Protection Bylaw Application for Permit received March 20, 2015
- ☐ Plan entitled: “Site Plan 86 Pilgrim Road, Needham MA 02492-1147”, prepared by H.S. & T. Group, Inc., unstamped and labeled as draft, dated 11/21/2014.
- ☐ Plan entitled: “Site Plan 86 Pilgrim Road, Needham MA 02492-1147”, prepared by H.S. & T. Group, Inc., stamped and signed by Hossein Haghanizadeh, P.E. # 42529 and Daniel J. Tivnan, P.L.S. #40047, dated 6/15/2015 (revised 7/30/15).

J. Carter Bernardo opened the public meeting at 8:30 p.m.

K. Doherty explained that Mr. Kent had asked him to come back before the Commission. He stated that Mr. Kent is upset with the outcome of his Application he submitted for adding an in-law addition to the side of his home within the 25-foot Buffer Zone. J. Carter Bernardo explained that the Commission had expressed to Mr. Kent that they had never approved installation of a structure within the 25-foot Buffer Zone and asked him to provide very concise reasons that it could not be constructed elsewhere on the property outside of the 25-foot Buffer Zone. He provided the Commission with a “No Alternatives” Analysis, however; the Commission did not find his reasoning for no alternatives justifiable.

In addition, the Commission had suggested the Applicant “give back” some of the Buffer Zone they were proposing to build on by allowing some of the lawn area at the back of the property re-naturalize but they met with resistance. Mr. Kent had asked K. Doherty to propose construction of the addition without a basement and constructed on footings. S. Farr stated that the Buffer Zone would then be shaded by the structure. The Commission discussed the proposal and felt that there is still an alternative location for

addition, such as off the rear of the house. The Commission discussed this alternative with K. Doherty at length. K. Doherty suggested that Mr. Kent may just want to demo the house and start the design over or even sell his house and move out of Needham. M. Varrell suggested that perhaps the proposed addition is larger than necessary and could be reduced in size. The Commission questioned whether the home was zoned as a two-family and what the actual definition of a two-family is. M. Varrell suggested they speak with the Building Department. J. Carter Bernardo stated that the Commission really has to be confident that moving the proposed addition outside the 25-foot Buffer Zone can't happen. K. Doherty suggested that do a cost/benefit analysis and submit it to the Commission. J. Carter Bernardo stated that actual figures would be helpful. The Commission will need financial hardship justification.

***Motion to continue the public hearing for 86 PILGRIM ROAD (DEP File #234-734) for additional information to August 13, 2015 at 8:00 p.m. by S. Farr, seconded by C. Rhoades, approved 4-0-0.***

## **OTHER BUSINESS**

### **CONSERVATION COMMISSION - POTENTIAL MEMBER**

M. Varrell introduced Alison Richardson as a potential Conservation Commission member. She is attending the meeting to get an idea of how the meetings run.

### **DISCUSSION - POTENTIAL OFF-SITE MITIGATION**

M. Varrell explained that the Bylaw allows for Applicants to propose off-site mitigation for projects with lack of mitigation space on-site. A few people have approached M. Varrell to inquire about possible off-site mitigation projects. He asked the Commission to think about any areas where they think off-site mitigation projects would be a benefit. He stated that the recent Bell Lane project included some off-site mitigation.

***Motion to adjourn the meeting by S. Farr, seconded by C. Rhoades, approved 4-0-0.***

***The meeting was adjourned at 9:00pm.***

## **NEXT PUBLIC HEARING**

***Thursday, July 9, 2015 at 7:30 PM in the Public Services Administration Building, Charles River Room.***